

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHRIS MERKEL, and KAMI )  
MERKEL, )  
 )  
Plaintiffs, )  
 )  
V. )  
 )  
LYNN MADSEN, and GIANT A & M )  
CORPORATION, Inc., )  
 )  
Defendants. )

8:13CV44

ORDER

---

Kyle Dahl has moved to withdraw as counsel of record for Defendant Lynn Madsen. ([Filing 4](#).) Mr. Dahl represents that Madsen has elected to proceed without an attorney in this matter. For good cause shown, the Court finds that the Motion should be granted.

The withdrawal of counsel will be effective upon service of this Order, a Notice of Withdrawal, and a copy of the Motion to Withdraw on Madsen. At that time, Madsen will be deemed to be proceeding *pro se*, unless substitute counsel has entered a written appearance on Madsen's behalf.

**IT IS ORDERED** that the Motion for Leave to Withdraw ([filing 111](#)) is granted, as follows:

1. Moving counsel shall immediately serve copies of the Motion to Withdraw, a Notice of Withdrawal, and a copy of this Order on Defendant Lynn Madsen.

2. Moving counsel shall timely file **proof of service** showing compliance with Paragraph 1 of this Order, listing the names and addresses of the persons to whom notice was sent. Moving counsel will not be relieved of applicable duties to the Court, the client, and opposing counsel until proof of service is filed.

3. Upon the filing of proof of service pursuant to Paragraph 2 of this Order, Madsen will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, **unless** substitute counsel has entered a written appearance on Madsen's behalf. If substitute counsel has not entered a written appearance, Madsen shall file a written notice with the Clerk of the Court, of Madsen's current address and telephone number within five (5) business days of being served with the documents described in Paragraph 1 of this Order. Madsen may retain

substitute counsel at any time; however, until such time as substitute counsel enters a written appearance, Madsen shall personally comply with all orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs and attorney's fees and/or the entry of default.

4. Upon moving counsel's submission of the proof of service described in Paragraph 2 of this Order, the Clerk of Court shall terminate the appearance of moving counsel and cease further notices to him in this matter.

**DATED April 16, 2013.**

**BY THE COURT:**

**S/ F.A. Gossett, III  
United States Magistrate Judge**